Draft
Environmental Assessment

UPPER PRICKLY PEAR
FISHING ACCESS SITE
PROPOSED DEVELOPMENT

August 2014

Montana Fish, Wildlife & Parks

Upper Prickly Pear Fishing Access Site
Proposed Development
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:**
In 2014, Montana Fish, Wildlife & Parks (FWP) acquired approximately 36 acres of land in Lewis and Clark County, Montana along Prickly Pear Creek for the purpose of establishing a fishing access site (FAS). FWP proposes to develop the Upper Prickly Pear FAS, including an access road, parking area, bridge over the unnamed spring creek, concrete vault latrine, boundary and riparian fencing, and regulatory signs. In addition, FWP proposes to improve the aquatic and spawning habitat of the unnamed spring creek tributary to Prickly Pear Creek by increasing stream length, replacing the culvert with a bridge, and limiting livestock grazing.

2. **Agency authority for the Proposed Action:**
The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing access sites. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

   ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed action in relation to this rule. See Appendix A for HB 495 qualification.

   The 1995 Montana Legislature enacted statute 87-1-272 through 273 that directs the Department to administer a Future Fisheries Improvement Program. The program involves providing funding for physical projects to restore degraded fish habitat in rivers and lakes for the purpose of improving wild fisheries. The legislature established an earmarked funding account to help accomplish this goal.

3. **Name of project:**
Upper Prickly Pear Fishing Access Site Proposed Development Project

4. **Project sponsor:**
Montana Fish, Wildlife and Parks, Region 4
4600 Giant Springs Road
Great Falls, MT 59405
(406) 454-5840

5. **Anticipated Schedule:**
Estimated Public Comment Period: September 2014
Estimated Decision Notice: October 2014
Estimated Commencement Date: Winter 2014
Estimated Completion Date: Winter 2014
Current Status of Project Design (% complete): 35%

6. **Location:**
Upper Prickly Pear FAS is located along Prickly Pear Creek 3.5 miles northeast of Helena along Olsen Road in the Helena Valley in Lewis and Clark County. The land is located in SE1/4 Section 9 Township 10 North, Range 3 West (Figures 1 and 2).

Figure 1. General Location of Upper Prickly Pear FAS.

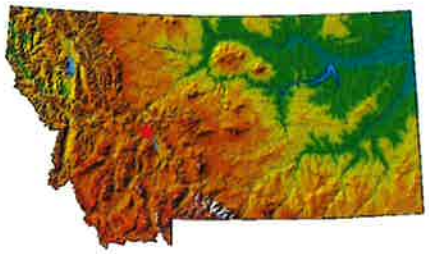


Figure 2. Highway Location of Upper Prickly Pear FAS.

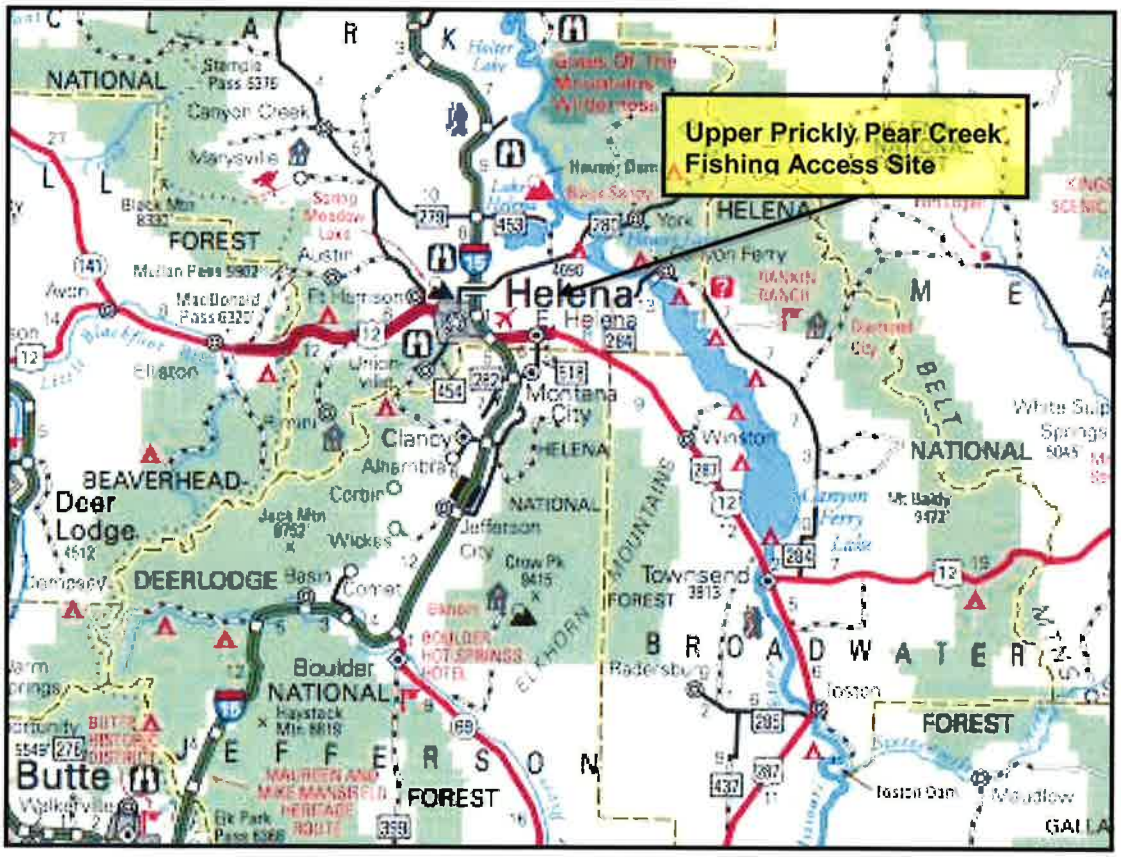


Figure 3. Upper Prickly Pear FAS
Preliminary Overall Concept Site Plan.

7. Project size -- estimate the number of acres that would be directly affected by the proposed project:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/ Woodlands/Recreation	0	Dry cropland	0
		Forestry	0
(c) Wetlands/Riparian Areas	3	Rangeland	0
		Other	0

8. Permits, Funding & Overlapping Jurisdiction.

(a) Permits: Permits would be filed at least 2 weeks prior to project start.

Agency Name	Permits
Lewis and Clark County	Floodplain Permit and Sanitation Permit
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks (FWP)	124 Montana Stream Protection Act
US Army Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

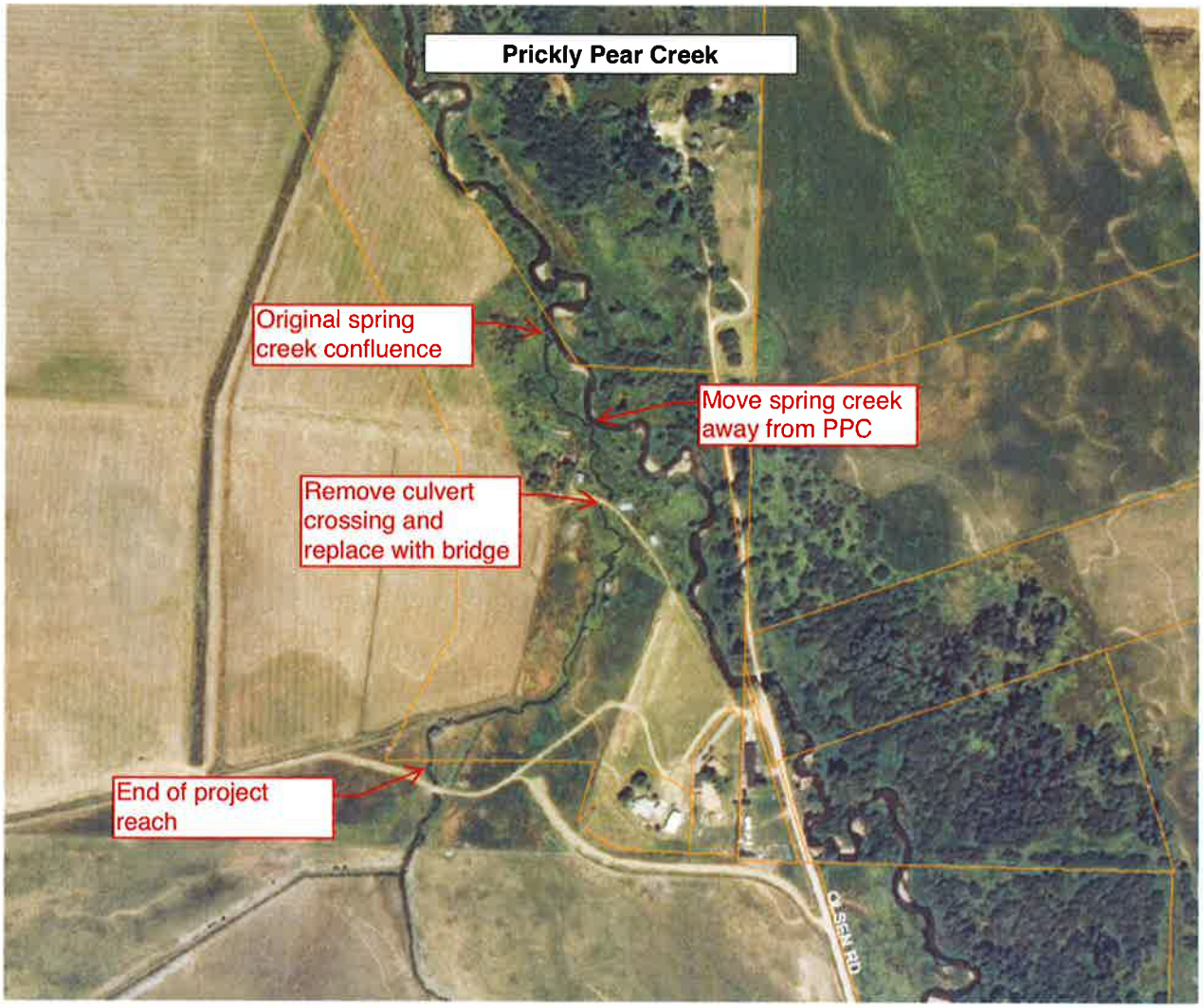
Agency Name	Funding Amount
Montana FWP Site Protection Fund	$40,000
Montana FWP Future Fisheries Improvement Program	$ 6,323

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Natural Heritage Program	Species of Concern (Appendix B)
Lewis and Clark County Weed District	Weed Management Coordination
State Historic Preservation Office	Cultural Clearance (Appendix D)

Figure 4. Eroded Streambanks and Lack of Riparian Vegetation Due to Overgrazing.

Figure 5. Stream Restoration Preliminary Conceptual Overview.



9. Narrative summary of the Proposed Action:

Prickly Pear Creek originates in the Elkhorn Mountains and flows north along Interstate 15, through the small towns of Clancy, Montana City and East Helena, continues through agricultural farmlands, pastures and small rural subdivisions of the Helena Valley, and finally enters Lake Helena. The creek is home to a variety of fish species including brook, brown, rainbow and westslope cutthroat trout. Decades of timber harvest, mining, and water withdrawal for agriculture and other uses have taken a heavy toll on Prickly Pear Creek. Legacy mining impacts contaminated ground water and the creek was chronically dewatered due to over-allocation of surface water rights. As a result, the EPA listed Prickly Pear Creek as not meeting a number of federal environmental standards, and the creek went dry in places in most years. Through conservation efforts by various organizations, such as the Montana Water Trust, Lewis and Clark County Water Quality Protection District, and the State of Montana, stream-flow volumes have improved, allowing connectivity of flows throughout the irrigation season.

Prickly Pear Creek flows through the Helena Valley within a few miles of the City of Helena. There are four FAS's managed by FWP in the Helena Valley, including Helena Valley Reservoir FAS (8 miles east of Helena on Helena Valley Regulating Reservoir); Lake Helena FAS (7 miles north of Helena on Lake Helena); Causeway FAS (7 miles north of Helena on Hauser Reservoir); and York Bridge FAS (13 miles northeast of Helena on Hauser Reservoir). There are no FAS's on Prickly Pear Creek and the only public access to Prickly Pear Creek is available in isolated locations off old Highway 15 near Montana City and the Ash Grove Cement Plant or at road crossings on the State or County right of way. The establishment of a FAS on Prickly Pear Creek would provide the only FAS on Prickly Pear Creek; would reduce pressure on nearby FAS's by redistributing recreational use; and would provide additional recreational opportunities in the Helena Valley in close proximity to Helena.

Common wildlife species found in the vicinity of Upper Prickly Pear FAS include white-tailed and mule deer, pronghorn, black bear, mountain lion, fox, coyote, badger, beaver, muskrat, American mink, raccoon, skunk, and a variety of small mammals. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese, sandhill crane, golden eagle, osprey, Hungarian partridge, ruffed grouse, and a variety of other raptors, waterfowl, and songbirds. Common game fish found in this reach of Prickly Pear Creek include rainbow trout and brown trout.

A search of the Montana Natural Heritage Program (MNHP) found that no animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) have been observed within the vicinity of the FAS. The search found that bald eagle, delisted and being monitored by the USFWS, was observed within the vicinity of the FAS as recently as 2000. The search indicated other Montana Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, long-billed curlew, Lewis's woodpecker, pinyon jay, Clark's nutcracker, veery, Brewer's sparrow, bobolink, Cassin's finch, hoary bat, and spotted bat. In addition, two plant Species of Concern were observed in the vicinity of the proposed project over 100 years ago, including wedge-leaf saltbush and small yellow lady slipper.

Vegetation types found on Upper Prickly Pear FAS are Wooded Riparian and Special Use Pasture. Common plants found in the Wooded Riparian include black cottonwood, crack willow, mountain alder, whiplash willow, sandbar willow, Wood's rose, and western snowberry. The Special Use Pasture has been heavily influenced by human management and has been cultivated with perennial grasses and forbs for the purpose of livestock grazing and hay production. Common plants found in these areas include quackgrass, smooth brome, tall fescue, Kentucky bluegrass, intermediate wheatgrass, alfalfa, and Canada thistle. Plant composition on the spring creek is also comprised primarily of grasses and forbs commonly found in the Special Use Pasture.

In 2014, Montana Fish, Wildlife & Parks (FWP) acquired approximately 36 acres of land in fee title along Prickly Pear Creek for the purpose of establishing a FAS. An old farmstead had been located on the property and debris from the old structures remains on the site. Existing facilities at the site include: a driveway partially shared with the neighboring landowner; a two-track, unimproved access road; irrigation ditches; water intakes; buried irrigation lines; a culvert on the spring creek; boundary and interior fencing; corral and wood fence remains and other debris; and a stone icehouse remaining from the farmstead. Approximately 2,000 feet of Prickly Pear Creek flows through the property and approximately 2,040 feet of an un-named spring creek (hereafter referred to as Spring Creek) crosses the

property and enters Prickly Pear Creek. The property had been used for hay production and livestock grazing for many years. The streambanks on Prickly Pear Creek and Spring Creek are eroded and sloughing, riparian vegetation is absent, and fish habitat has been degraded (Figure 4). Approximately 600 feet of spring creek was captured by Prickly Pear Creek due to active stream bank erosion and a perched culvert. A fish barrier has also contributed to degraded fish habitat in spring creek (Figure 5).

FWP proposes to develop the Upper Prickly Pear FAS, including 1) improvements to approximately 25 feet of the driveway that would continue to be shared with the neighboring property: 2) construction of a gravel access road; 3) construction of a gravel parking area to accommodate single vehicles; 4) replacement of the culvert on Spring Creek with a small bridge for use by pedestrians and administrative vehicles; 5) removal of existing interior fences and installation of boundary fencing; 7) installation of riparian fencing with several openings for visitor access to the creek and water gaps for limited, short-term livestock access to the creek; 8) installation of directional, informational, and regulatory signs; 10) rehabilitation of the existing access road; and 11) removal of remaining farmstead debris.

Proposed improvements to spring creek include relocation of the confluence of spring creek with Prickly Pear Creek downstream to the approximate original confluence and re-vegetation of the streambanks with live sod and willow transplants from nearby donor sites, which have high densities of riparian vegetation and can re-vegetate quickly. In addition, at the location where Prickly Pear has captured Spring Creek, Spring Creek will be moved away from Prickly Pear Creek, and the streambank of Prickly Pear Creek will be armored with tree revetments and vegetation plantings to reduce erosion.

The property would be managed under existing FWP public use regulations, including routine maintenance, control of vehicles and firearms, and other accepted FWP recreation area management policies. The FAS is for day use only and no overnight camping, night time activities, or ATV's would be allowed on the site. Archery and shotgun hunting would be allowed during the regular hunting seasons. In addition to providing the only public access to Prickly Pear Creek in the Helena Valley for fishing, the proposed project would improve recreational opportunities for hunting, picnicking, walking, and wildlife viewing, would preserve this stretch of riparian and open-space habitat; and fill a need for recreation opportunities on Prickly Pear Creek close to Helena.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken and the property was not developed with an access road, fencing, and signs there may be continued resource degradation from unrestricted grazing along Prickly Pear Creek. The No Action alternative would leave the existing infrastructure in it's current condition.

Alternative B: Proposed Action.

In 2014, Montana Fish, Wildlife & Parks (FWP) acquired approximately 36 acres of land along Prickly Pear Creek for the purpose of establishing a FAS. FWP proposes to develop the Upper Prickly Pear FAS, including an access road, parking area, bridge over Spring Creek, concrete vault latrine, boundary and riparian fencing, and informational, directional, interpretive, and regulatory signs. The proposed developments would provide recreational opportunities along Prickly Pear Creek for fishing, hunting, picnicking, walking, and wildlife viewing.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP) (See Appendix D), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All county, state and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes Positive	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. The Proposed Action would not affect existing soil stability. Soil and geologic substructure would remain stable during and after the proposed work. Exclusion of livestock via fencing is expected to promote growth of riparian vegetation, which will improve soil stability by reducing bank erosion.

1b. During construction, some minor modifications to the existing soil features would be required for the construction of the access road and parking area and installation of the bridge. Disturbed areas would be seeded with a native seed mix to minimize erosion, sediment delivery to Prickly Pear Creek, and the spread of noxious weeds. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (Appendix D). A neighboring landowner currently grazes cattle on portions of the FAS property, though grazing duration and numbers of animals on the FAS property would be restricted once construction is completed. The proposed project would not affect soil productivity or soil fertility.

1c. No unique geologic or physical features would be altered by the Proposed Action.

1d. A 318 permit will be filled out in order to meet regulations on this type of construction project. Minor amounts of sediment may enter the creek during construction of the access road and parking area, improvement of the driveway, installation of the bridge over Spring Creek, and modifications to spring creek. However, upon completion, erosion and sedimentation of the creek would be reduced. Installation of riparian fencing and limitation of livestock grazing on the streambank of Prickly Pear Creek would reduce erosion of the streambank and sedimentation of the creek.

2. AIR Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?			X		Yes	2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		NA				

2a. Dust may be temporarily generated during construction of the access road and parking area, improvement of the driveway, installation of the bridge and latrine, and modifications to Spring Creek. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. (Appendix D). There would be a temporary increase in diesel exhaust from equipment used during construction. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. These impacts would be short term and minor.

2b. The latrine would be regularly maintained to minimize objectionable odors.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes Positive	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
			X		Yes	3h.

h. Increase in risk of contamination of surface or groundwater?						
i. Effects on any existing water right or reservation?		X				3i.
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		NA				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		NA				

3a. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity and follow all permit requirements.

In 2010, the Environmental Protection Agency conducted a water quality assessment status for Prickly Pear Creek and classified the stream as "Impaired" for agriculture, aquatic life, cold water and warm water fisheries, drinking water, industrial uses, and primary contact recreation. The causes of impairment related to past mining and industrial b use of the watershed and included streamside and vegetative alterations, ammonia, metals, nutrients, physical substrate alterations, and sedimentation. The improvement of water quality in Prickly Pear Creek continues to be a high priority for the Montana Department of Environmental Quality and other conservation organizations.

3b. Limiting livestock access to Prickly Pear Creek and Spring Creek through fencing and grazing restrictions would reduce erosion of the streambank and sedimentation of Prickly Pear Creek. Vegetation growth is expected to narrow and deepen the stream, allowing the stream to better carry bed load and reduce sedimentation in Prickly Pear Creek and spring creek.

The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP's would be followed (Appendix D).

3d. There could be a minor, temporary increase of runoff during construction. FWP BMP's would be followed (Appendix D).

3h. The use of heavy equipment during construction may cause a temporary increase in sediment delivery to Prickly Pear Creek. FWP BMP's would be followed during all phases of construction to minimize these risks (Appendix D).

3i. The project development is not expected to impact any existing surface or ground water rights to Spring Creek or Prickly Pear Creek.

	IMPACT

4. VEGETATION Will the proposed action result in?	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes Positive	4a.
b. Alteration of a plant community?			X		Yes Positive	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?			X		Yes	4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				
g. Other:		NA				

4a. The Proposed Action would have no impact on the plant diversity or productivity of Upper Prickly Pear FAS and would have a minor impact on plant abundance. Because the construction area is small, impacts from construction would be minor. Any area disturbed during construction would be reseeded with a native seed mix. Improvement of the driveway and installation of the bridge and latrine would have minor impacts on plant communities or diversity because little new soil would be disturbed. Construction of the access road and parking area and modification of Spring Creek would disturb a small area that has been disturbed in the past by residential use, grazing, and other agricultural activities. The reduction of livestock grazing of the streambank through riparian fencing and grazing restrictions would positively impact plant communities by allowing native riparian vegetation to reestablish on the streambanks.

4b. The Proposed Action would improve the riparian plant community by limiting livestock grazing of the streambank.

The Wooded Riparian type is found along Prickly Pear Creek. Common plants within this type include black cottonwood, crack willow, mountain alder, green ash, whiplash willow, sandbar willow, Wood's rose, American black currant, bittersweet nightshade, western snowberry, quackgrass, smooth brome, meadow foxtail, redtop, and Kentucky bluegrass. Common introduced species in the Wooded Riparian type includes smooth brome, Kentucky bluegrass, quackgrass, tall fescue, redtop, meadow foxtail, common dandelion, alfalfa, leafy spurge, and Canada thistle.

4c. A search of the MNHP element occurrence database found that no wetlands are located on the proposed project site, though several natural and man-made drainages are located on the property. The vegetation on these sites is dominated by meadow foxtail, an invasive species, and wild licorice.

4d. Cattle routinely grazed the property prior to acquisition by FWP. Livestock grazing may not be allowed in the future.

4e. The most common noxious weeds found on the property include Canada thistle, leafy spurge, and spotted knapweed. Musk thistle and common mullein, invasive species listed

as noxious weeds by Lewis and Clark County, are also found on the proposed project site. In conjunction with Lewis and Clark County Weed District, FWP will continue to implement the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods. Weed management would facilitate the preservation and, where necessary, the restoration of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking area and roadway, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas of the FAS. FWP estimates that weed control will continue to cost approximately $1,000 during fiscal year 2015.

Disturbed soils would be seeded with a native species mix to minimize the spread of noxious weeds.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?			X		Yes Positive	5b.
c. Changes in the diversity or abundance of nongame species?			X		Yes Positive	5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				5g.
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (See 5f.)		NA				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		NA				

5a. The proposed action would have no impact on any critical fish or wildlife habitat. This stretch of Prickly Pear Creek and the vicinity around the FAS is not considered critical habitat for any fish or wildlife species. The proposed developments are designed to minimize impacts to wildlife habitat. No trees or shrubs would be removed for construction of the access road or parking area and construction would take place in fall and winter to avoid disturbance to nesting birds.

5b/5c. According to Jenny Sika, FWP Region 3 Wildlife Biologist, and the MNHP, common wildlife species whose habitat distribution overlaps the FAS include white-tailed and mule deer, pronghorn, black bear, mountain lion, fox, coyote, badger, beaver, muskrat, American mink, raccoon, skunk, and a variety of small mammals. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese, sandhill crane, golden eagle, osprey, Hungarian partridge, ruffed grouse, and a variety of

other raptors, waterfowl, and songbirds. According to Jenny Sika, the proposed project would have no impact on wildlife or wildlife habitat.

According to Eric Roberts, FWP Region 4 Fisheries Biologist, and a review of Montana Fisheries Information System (MFISH), common game fish found in this reach of Prickly Pear Creek include rainbow trout and brown trout. Other fish species commonly found in this reach include white sucker, longnose sucker, sculpin, and mottled sculpin. Species that are rarely found in this reach include walleye and brook trout. Westslope cutthroat trout, a Species of Concern, are commonly found in the upper reaches of Prickly Pear Creek near the creek's headwaters, but are rarely observed in the Helena valley. According to Eric Roberts, there is a remote possibility that westslope cutthroat trout could be found in the lower reaches of Prickly Pear Creek near the FAS in the future. The proposed project is expected to positively impact the aquatic habitat of Prickly Pear and Spring Creeks by promoting riparian vegetation development, providing additional fish cover, provide fish passage, and enhance fish spawning habitat.

Prickly Pear Creek is open to fishing for all species from the third Saturday in May through November 30. Because Prickly Pear Creek is not large enough to be floatable, all anglers fish from the streambank or wade into the stream. According to Angler use estimates, the average angler days per year from 2003 to 2011 for Prickly Pear Creek was 1,709, with a low of 623 in 2011 and a high of 2,207 in 2003. The state ranking for Prickly Pear Creek averaged the 223rd most fished body of water in Montana and ranged from 167 to 380 during this same period. Prickly Pear Creek averaged the 46th most fished body of water in FWP Region 4 and ranged from 34 to 83 during this same period.

Habitat modifications to spring creek are expected to improve spawning habitat for non-native rainbow and brown trout, which in turn could led to increased trout abundance..

5c. Habitat modifications to Spring Creek may improve recruitment for some non-game species, such as white sucker, mottled sculpin, mountain whitefish, among others. Enhanced riparian vegetation development may also encourage use by a variety of songbirds and small mammals.

5f. A search of the MNHP element occurrence database indicates no occurrences of any animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) within the vicinity of the proposed project. The search found that bald eagle, delisted and being monitored by the USFWS, and classified as Sensitive by the U.S. Forest Service and U.S. Bureau of Land Management, was observed within the vicinity of the FAS as recently as 2000. The MNHP recorded that Great blue heron, a Montana Species of Concern, was observed in 2010 on the FAS and as recently as fall 2012 by biologists with Westech Environmental Services, Inc. The search also indicated that other Montana Species of Concern have been observed in the vicinity of Upper Prickly Pear FAS, including long-billed curlew, Lewis's woodpecker, pinyon jay, Clark's nutcracker, veery, Brewer's sparrow, bobolink, Cassin's finch, hoary bat, and spotted bat (Appendix B).

According to Claire Gower, FWP Region 3 Non-Game Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nest is over three miles from the proposed project site, which is well outside of the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, indicating that the Proposed Action would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has

jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Although great blue heron was observed on the property as recently as fall 2012, no heron rookeries would be affected by the proposed project. The proposed project is unlikely to impact bald eagle or great blue heron as these species do not nest near the proposed project and are accustomed to some level of disturbance in the area. The area surrounding the proposed project has been disturbed for years by residential use, agricultural activities, livestock grazing, County Road 280 (York Road), and proximity to Helena. The proposed project would have a positive impact on great blue heron, Lewis's woodpecker, veery, bobolink, long-billed curlew, and hoary bat. As riparian and grassland plant communities on the property improve as a result of restricted livestock grazing, habitat for these species would also improve. The proposed project would have no impact on Cassin's finch, pinyon jay, Brewer's sparrow, and spotted bat, as the FAS does not provide habitat for these species.

According to Nathan Lance, FWP Wolf Management Specialist, there is no known wolf activity in the area around the Helena Valley or the proposed project area, nor has there been in prior years. While there may be individuals that could potentially move through the area, and there are occasional reports of wolf activity in the mountains to the north and west of the Helena Valley, it is unlikely that a wolf pack would persist in the area due to the high potential for livestock and human conflicts. Wolf pack territories cover hundreds of square miles and wolves are very flexible in their habitat use. Even if there were wolves in the area, the proposed FAS would not have a significant or measurable effect on the wolves or their habitat use.

5g. The proposed FAS development is unlikely to stress or impact fish or wildlife populations in the future since the area is located in an area disturbed by residences, a busy county road, agricultural activity, and livestock grazing.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?					Yes	6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor

6b. Three residences are located adjacent to the Upper Prickly Pear FAS boundary, with two less than 600 feet from the proposed parking area and the third approximately ¼ mile from the parking area. The minor and temporary increase in noise levels during construction may disturb nearby neighbors. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

Visitor use could increase noise levels and disturb nearby neighbors. However, no overnight camping would be allowed and a noise buffer created by the riparian vegetation would minimize noise disturbance.

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X		No	7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?			X		Yes	7c.
d. Adverse effects on or relocation of residences?		X				7d.

7c. FWP would limit livestock grazing on the property to reduce over-grazing, to encourage the reestablishment of native grasses, forbs, shrubs, and trees, and to prevent conflicts between cattle and visitors to the property.

7d. The proposed project would have no affect on nearby residences.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				

8a. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds on the site. In conjunction with the Lewis and Clark County Weed District, FWP would continue implementing an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and would be applied by people trained in safe handling techniques.

Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow Best Management Practices during all phases of construction to minimize risks (Appendix D).

8c. The proposed project would improve public safety by providing safe and adequate parking, thereby minimizing vehicle conflicts and overflow parking on Olson Road.

Old, rusted tanks, remnants of wood and barbed wire fences, and assorted debris located on the FAS would be removed, eliminating a safety hazard.

In 2012, Energy Laboratories conducted an analysis of the soils adjacent to Prickly Pear Creek in the vicinity of the original outbuildings to evaluate potential contamination of the soils from past agricultural practices or leakage of contaminants from abandoned vehicles, implements, and tanks. The results of this analysis indicate that the concentration and variety of hydrocarbons in the soils are consistent with naturally occurring hydrocarbon concentrations found in local floodplain soils and that there is no soil contamination from petroleum products or other chemicals.

9. COMMUNITY IMPACT **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?		X				9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		No	9e.

9c. The proposed project would likely improve recreational use of the area by providing additional recreational opportunities for fishing, hunting, picnicking, wildlife viewing, and walking. This would benefit local retail and service businesses in Helena (Appendix C - Tourism Report).

9d. Other than possible livestock grazing, there is currently no commercial or industrial use of the property or industrial use would be allowed on the FAS in the future. Restricted use permits may be issued for any allowable activity.

9e. The proposed project would result in a slight increase in traffic and traffic hazards on Olson Road but would have little or no impact on traffic on York Road. Any impacts to traffic would be minor and concentrated on weekends during the peak season.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

10a. The proposed project would have no impact on public services or utilities. The property would require periodic maintenance by FWP and would continue to be patrolled by FWP.

10b. There would be no change in the tax base since FWP would pay property taxes in an amount equal to that of a private individual.

10e. Because the property would be operated for day use only, no revenue would be generated from camping fees.

10f. Projected annual operating, maintenance, and personnel expense for fiscal year 2015 is estimated at $2,500 per year.

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes Positive	11a.

b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		NA				

11a/b. The proposed action would improve the aesthetic values of the property by limiting livestock grazing and allowing riparian plant communities and streambanks to be restored to more natural conditions.

11c. Development of Prickly Pear FAS would allow for public use for fishing, hunting, picnicking, walking, and wildlife viewing, improving recreational opportunities and obtaining public access to Prickly Pear Creek.

12. CULTURAL/HISTORICAL RESOURCES **Will the proposed action result in:**	IMPACT					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		NA				

12a. A cultural resource consultant completed a cultural resource inventory during spring 2014 and found no cultural resources recommended as eligible for listing on the National Register of Historic Places (NRHP) on the proposed project site. FWP contacted the State Historic Preservation Office (SHPO), who recommended the existing ice house as eligible for NRHP listing. FWP has sought concurrence from SHPO on FWP recommendations that the project will have no adverse impact on cultural resources regardless of eligibility (Appendix E). If previously unidentified cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE **Will the proposed action, considered as a whole:**	IMPACT					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Have impacts that are individually limited, but		X				

cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)						
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
I/		NA				
g. For P-R/D-J, list any federal or state permits required.		NA				

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of Prickly Pear Creek, a scenic and historic stream close to Helena, and positively impacts the aquatic habitat of Spring Creek and Prickly Pear Creek.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of Prickly Pear Creek, a scenic and historic stream close to Helena, and positively impacts the aquatic habitat of spring creek and Prickly Pear Creek.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent fish and wildlife species and would be open to the public for stream access.

The proposed project would not impact the local wildlife species that frequent the property and would not increase conditions that stress wildlife populations. In fact, the proposed action would improve the habitat for some fish and wildlife species that frequent the Helena Valley and Prickly Pear Creek by improving riparian and aquatic habitat. The property is not considered critical habitat for any species.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be reseeded with a native reclamation seed mix where necessary to reduce the establishment of

weeds. FWP would continue implementing the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.
The proposed development of the 36-acre Prickly Pear FAS along Prickly Pear Creek would provide public access to Prickly Pear Creek, improve the aquatic, riparian, and wildlife habitats along this stretch of Prickly Pear Creek, and improve recreational opportunities for fishing, hunting, picnicking, walking, and wildlife viewing in the Helena Valley close to Helena, which has been a high priority for FWP and the public.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Upper Prickly Pear FAS Proposed Development Project, the proposed action and alternatives:

- Two public notices in *the Helena Independent Record.*
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov*.
- Draft EA's will be available at the FWP Region 4 Headquarters in Great Falls, and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Regions 4 issues.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this proposed action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., September 30, 2014 and can be mailed to Vicki Robinson at the address below:

Upper Prickly Pear Fishing Access Site Proposed Development Project
Montana Fish, Wildlife & Parks, Region 4
4600 Giant Springs Road
Great Falls, MT 59405

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO
If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant positive or negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Vicki Robinson
Region 4 Fishing Access Site Manager
4600 Giant Springs Road
Great Falls, MT 59405
vrobinson@mt.gov
(406) 454-5854

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
- Field Services Division
  - Design and Construction
  - Lands Unit
  - Legal Bureau
- Fisheries Division
- Wildlife Division

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

APPENDICES

A. MCA 23-1-110 Qualification Checklist
B. Native Species Report - Montana Natural Heritage Program
C. Tourism Report – Department of Commerce
D. Montana Fish, Wildlife and Parks- Best Management Practices
E. State Historic Preservation Office Concurrence

APPENDIX A
23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: June 23, 2014 **Person Reviewing:** Andrea Darling

Project Location: Upper Prickly Pear FAS is located along Prickly Pear Creek 3.5 miles northeast of Helena along Olsen Road in the Helena Valley in Lewis and Clark County. The land is located in SE1/4 Section 9 Township 10 North, Range 3 West.

Description of Proposed Work: FWP proposes to develop the Upper Prickly Pear FAS, including an access road, parking area, bridge over the unnamed spring creek, concrete vault latrine, boundary and riparian fencing, and informational, directional, interpretive, and regulatory signs. In addition, FWP proposes to improve the aquatic and spawning habitat of the unnamed spring creek tributary to Prickly Pear Creek by increasing stream length, replacing the culvert with a bridge, and limiting livestock grazing.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

[ ] **A. New roadway or trail built over undisturbed land?**
Comments: No trails or roadways.

[ ] **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.

[X] **C. Any excavation of 20 c.y. or greater?**
Comments: Yes, for the parking area.

[X] **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: The expanded parking area would increase parking capacity and would be constructed over undisturbed land.

[X] **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: Yes, for restoration of Spring Creek streambank.

[X] **F. Any new construction into lakes, reservoirs, or streams?**
Comments: A small bridge would be built over Spring Creek.

[ ] **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: No.

[ ] **H. Any new above ground utility lines?**
Comments: No.

[ ] **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No campsites would be constructed.

[ ] **J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**
Comments: No. The proposed action would not affect existing features or use patterns.

APPENDIX B

NATIVE SPECIES REPORT
MONTANA NATURAL HERITAGE PROGRAM
Sensitive Plants and Animals in the Vicinity of Upper Prickly Pear Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (http://nris.mt.gov) indicates no occurrences of any animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) within the vicinity of the proposed project. The search found that bald eagle, delisted and being monitored by the USFWS, and classified as Sensitive by the U.S. Forest Service and U.S. Bureau of Land Management, was observed within the proposed project area as recently as 2000. The search by MNHP also indicated other Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, long-billed curlew, Lewis's woodpecker, pinyon jay, Clark's nutcracker, veery, Brewer's sparrow, bobolink, Cassin's finch, hoary bat, and spotted bat. In addition, two plant Species of Concern have been observed in the vicinity of the proposed project over 100 years ago, including wedge-leaf saltbush and small yellow lady slipper (Appendix B).

Montana Species of Concern. The term **"Species of Concern"** includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species are a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	**Definition**
G1 **S1**	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 **S2**	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 **S3**	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 **S4**	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 **S5**	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF UPPER PRICKLY PEAR FISHING ACCESS SITE

1. **Ardea herodias (Great Blue Heron)**

Vertebrate animal- Bird	*Habitat: Riparian Forest*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

FWP CFWCS Tier: **3**

Element Occurrence data was reported of great blue heron within the project area. Last recorded observation date was 2011.

2. **Haliaeetus leucocephalus (Bald Eagle)**

Vertebrate animal- Bird	*Habitat: Riparian Forest*
Natural Heritage Ranks	Federal Agency Status:
State: **S4**	U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC**
Global: **G5**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **2**

Element Occurrence data was reported of bald eagle within the project area. Last recorded observation date was 2000.

3. **Numenius americanus (Long-billed Curlew)**

Vertebrate animal- Bird	*Habitat: Grasslands*
Natural Heritage Ranks	Federal Agency Status:
State: **S3B**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **2**

Element Occurrence data was reported of long-billed curlew within 2 miles of the project area. Last recorded observation date was 1995.

4. **Melanerpes lewis (Lewis's Woodpecker)**

Vertebrate animal- Bird	*Habitat: Riparian Forest*
Natural Heritage Ranks	Federal Agency Status:
State: **S2B**	U.S. Fish and Wildlife Service:
Global: **G4**	U.S. Forest Service:
	U.S. Bureau of Land Management:

FWP CFWCS Tier: **2**

Element Occurrence data was reported of Lewis's woodpecker within 2 miles of the project area. Last recorded observation date was 1995.

5. **Gymnorhinus cyanocephalus (Pinyon Jay)**

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3**
Global: **G5**

Habitat: Open Conifer Forest
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

FWP CFWCS Tier: **2**

Element Occurrence data was reported of pinyon jay within 1 miles of the project area. Last recorded observation date was 1994.

6. **Nucifraga columbiana (Clark's Nutcracker)**

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3**
Global: **G5**

Habitat: Conifer Forest
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

FWP CFWCS Tier: **1**

Element Occurrence data was reported of Clark's nutcracker within 1 miles of the project area. Last recorded observation date was 2001.

7. **Catharus fuscescens (Veery)**

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3B**
Global: **G5**

Habitat: Riparian Forest
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

FWP CFWCS Tier: **2**

Element Occurrence data was reported of veery within the project area. Last recorded observation date was 2009.

8. **Spizella breweri (Brewer's Sparrow)**

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3B**
Global: **G5**

Habitat: Sagebrush
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **2**

Element Occurrence data was reported of Brewer's sparrow within the project area. Last recorded observation date was 2001.

9. **Dolichonyx oryzivorus (Bobolink)**

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3B**
Global: **G5**

Habitat: Moist Grassland
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **3**

Element Occurrence data was reported of Brewer's sparrow within the project area. Last recorded observation date was 2001.

10. Haemorhous cassinii (Cassin's Finch)

Vertebrate animal- Bird
Natural Heritage Ranks
State: **S3**
Global: **G5**

Habitat: Drier Conifer Forest
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **2**

Element Occurrence data was reported of Brewer's sparrow within 2 miles of the project area. Last recorded observation date was 1993.

11. Lasiurus cinereus (Hoary Bat)

Vertebrate animal- Mammal
Natural Heritage Ranks
State: **S3**
Global: **G5**

Habitat: Riparian and Forest
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

FWP CFWCS Tier: **2**

Element Occurrence data was reported of hoary bat within the project area. Last recorded observation date was 2012.

12. Euderma maculatum (Spotted Bat)

Vertebrate animal- Mammal
Natural Heritage Ranks
State: **S3**
Global: **G4**

Habitat: Cliffs with Rock Crevices
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service: **Sensitive**
U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of spotted bat within the project area. Last recorded observation date was 2013.

13. Atriplex truncata (Wedge-leaf Saltbush)

Vascular Plants
Natural Heritage Ranks
State: **S2**
Global: **G5**

Habitat: Wetland/Riparian
Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

FWP CFWCS Tier:

Element Occurrence data was reported of wedge-leaf saltbush within the project area. Last recorded observation date was 1899.

14. Cypripedium parviflorum (Small Yellow Lady's-slipper)

Vascular Plants

Natural Heritage Ranks
State: **S3S4**
Global: **G5**

Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service: **Sensitive**
U.S. Bureau of Land Management:

FWP CFWCS Tier:

Element Occurrence data was reported of small yellow lady's-slipper within the project area. Last recorded observation date was 1891.

APPENDIX C

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager
Montana Office of Tourism-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Upper Prickly Pear Fishing Access Site Proposed Development

Project Description: In 2014, Montana Fish, Wildlife & Parks (FWP) acquired approximately 36 acres of land in Lewis and Clark County, Montana along Prickly Pear Creek for the purpose of establishing a fishing access site (FAS). FWP proposes to develop the Upper Prickly Pear FAS, including an access road, parking area, bridge over the unnamed spring creek, concrete vault latrine, boundary and riparian fencing, and informational, directional, interpretive, and regulatory signs. In addition, FWP proposes to improve the aquatic and spawning habitat of the unnamed spring creek tributary to Prickly Pear Creek by increasing stream length, replacing the culvert with a bridge, and limiting livestock grazing.

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

Yes, as described, this project has the potential to positively impact the tourism and recreation industry economy if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Carol Crockett, Visitor Services Manager Date July 1, 2014

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS
BEST MANAGEMENT PRACTICES
10-02-02
Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
    a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
    a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. <u>Road Design</u>

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. <u>Drainage from Road Surface</u>

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
    a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
    b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.

c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these "slash filter windrows" so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or

plowing snow.

4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.

2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.
3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.

APPENDIX E
STATE HISTORIC PRESERVATION OFFICE CONCURRENCE

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DESIGN & CONSTRUCTION
DEPT. OF FISH, WILDLIFE & PARKS

July 7, 2014

Mr. Bardell Mangum
Design & Construction
Montana Fish, Wildlife & Parks
1522 9th Avenue
P.O. Box 200701
Helena, MT 59620-0701

RE: Upper Prickly Pear Fishing Access Site Development

Dear Mr. Mangum:

Thank you for the letter (received July 2, 2014) and associated materials regarding the Upper Prickly Pear Fishing Access Site Development in Lewis and Clark County, Montana. According to previous information, we understand that the Prickly Pear Land Trust was encouraged by Montana Fish, Wildlife, and Parks to demolish/burn the remnants of the abandoned homestead (24LC1975), a site that was potentially eligible for listing in the National Register of Historic Places (NRHP). According to several sources, FWP encouraged the overt destruction of the potential heritage property so as to avoid obtaining an "attractive nuisance." This approach circumvents and undermines the basic intent of the Montana State Antiquities Act and should not be considered a precedent for future acquisitions.

We are unable to concur with the determination of no effect to heritage properties. We believe that the remaining stone ice house is potentially individually eligible for its association with the railroad, as well as the agricultural history and development of the Helena Valley.

If you have any questions or concerns, do not hesitate to contact me at (406) 444-0388 or kore@mt.gov. Thank you for consulting with us.

Sincerely,

Kathryn Ore
Review and Compliance Officer
Montana State Historic Preservation

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